



COMMONWEALTH of VIRGINIA

Office of the Attorney General

William C. Mims
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Carol F. Clarke, Chairman
Real Estate Board
Department of Professional and Occupational Regulation

Christine Martine, Executive Director
Real Estate Board
Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: August 21, 2009

Subject: Letter of Assurance for Proposed Repeal of Board Regulations 18 VAC 135-30

I have reviewed the Real Estate Board's proposed repeal of its Condominium regulations, 18 VAC 135-30 *et seq.*, that were listed on the Virginia Regulatory Town Hall Internet site on August 21, 2009. In my view, as counsel to the Real Estate Board, these regulations may be repealed pursuant to §§ 54.1-113, 54.1-201(5), 54.1-2105 and 55-79.98 of the *Code of Virginia*. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

Further, the repeal of these regulations may be done pursuant to an exempt action, in accordance with §§ 2.2 – 4006(A)(4)(a) of the *Code of Virginia*.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.